

# Hawai'i Monitor

Vol. 2 No. 11 • An Independent Monthly Newsletter about Politics and Money in Hawai'i • August 1992

## Kim, Mansho tops in City Council fundraising □ Council chairman Morgado ranks a distant third

The two women members of the Honolulu City Council raised substantially more during the first half of 1992 than the council's seven male members combined, according to reports filed recently with the Campaign Spending Commission.

Donna Mercado Kim, chair of the council's Zoning Committee, raised 93,723, while budget committee chair Rene Mansho added \$88,051 to her campaign account during the 6-month period ending on June 30, 1992.

Their combined total of \$181,773 far outdistanced the \$159,358 raised by the seven remaining council members.

Council chairman Arnold Morgado brought in \$67,000 while budget committee chair John DeSoto collected just under \$45,000.

Members of the City Council do not have to run for re-election until 1994, but architects, engineers, contractors, and other segments of the building industry contributed generously anyway.

Although the hot rail transit issue, now pending before the council, may have contributed to the success of the non-election year fundraising, direct links are difficult to identify. This is primarily because the billion-dollar issue is expected to benefit a wide cross-section of the real estate and development community, many of whom are involved in other projects requiring council approval.

### Donna Kim leads the pack

A leader of the council's slim pro-transit majority, Kim demonstrated her fundraising muscle during this period.

Contributions of \$2,000, the maximum allowed by law during a single election period, were received from Amfac/JMB, Haseko (Hawaii), CW Associates, Honolulu Disposal, Bedford Properties, Bishop Street Associates, Castle & Cooke Properties, the Hawaii Ocean Recreation PAC (operated by developer Tom Gentry), and the Oahu Transit Group, the consortium selected to build the proposed rail system.

Attorney Pat Devlin from the law firm of Carlsmith Ball Wichman Murray Case Mukai & Ichiki gave \$2,000. Other members of the firm also contributed, including Eric James (\$300), Lawrence Okinaga and Andy Ichiki (\$200 each), and Steven Nagata and Lance Taniguchi (\$150 each).

Those contributing \$1,000 or more to Kim's campaign included architects Kober/Hanssen/Mitchell and Architects Hawaii, along with First Hawaiian Bank, EDP Hawaii, the Myers Corporation, Dura Constructors, Koga Engineering, contractor Walter Arakaki, Herbert Horita's HKVP Inc., and consultant William Wanket.

Campbell Estate trustees Wade McVay, Paul Cassiday and C. Dudley Pratt contributed \$700 each.

### The tax collector hits

Donna Kim also topped all members of the City Council in spending, with a total of \$60,305 in expenses charged to her campaign account during the period.

State and federal tax collectors

**For an important notice about the future of Hawai'i Monitor...**

**➔ turn to page 2**

## Campaign funds raised by Honolulu City Council January-June 1992

Donna Mercado Kim	\$ 93,722
Rene Mansho	\$ 88,051
Arnold Morgado	\$ 67,099
John DeSoto	\$ 44,455
Gary Gill	\$ 26,016
Steve Holmes	\$ 10,400
Leigh-Wai Doo	\$ 6,148
John Henry Felix	\$ 3,800
Andy Mirikitani	\$ 1,440

### Inside...

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## Hawai'i Monitor to suspend publication

□ Monitor editor Ian Lind to join Star-Bulletin staff

It's one of those moments for good news and bad news.

I am pleased to announce the good news that beginning in October, the stories that you have come to expect from the *Hawai'i Monitor* will begin appearing regularly in the Honolulu Star-Bulletin.

The Star-Bulletin, the daily afternoon newspaper published by Gannett Pacific, has offered me an unusual opportunity to do regular investigative reporting as a member of their staff. After considerable reflection, I have enthusiastically accepted.

The bad news is that this means the end of the *Hawai'i Monitor* as a regular, independent publication.

### The past

The *Hawai'i Monitor* was launched in August 1990 in an attempt to generate public awareness of and debate over the impact of money on our political process. In this it has succeeded.

In 23 regular issues and one special issue, the *Monitor* has covered much of the political terrain and has been no stranger to controversy.

The *Hawai'i Monitor* was the first publication to highlight the large political contributions made by associates of developer Herbert Horita, the first to call attention to legislative junkets and first-class travel, the first to identify the conflicts of interest faced by Attorney General Warren Price, and the only publication to keep probing the excess contributions collected by Governor John Waihee's campaign.

A short-lived libel suit brought by Honolulu Mayor Frank Fasi in early-1991 added a bit of unexpected excitement and notoriety.

### The future of Hawai'i Monitor

For the next three months, the *Monitor* will "suspend" publication

in order to provide a "trial period" for this new collaboration with the Honolulu Star-Bulletin.

If all goes as expected, the *Monitor* will then permanently cease publication as a regular monthly newsletter.

However, Hawai'i Monitor will continue to exist as a publisher of books about social and political issues in the islands.

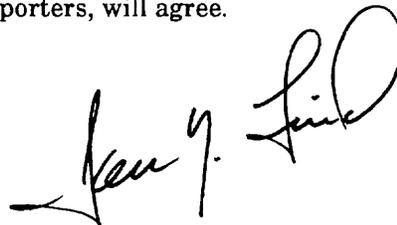
The first book, featuring the biting political caricatures of cartoonist John Pritchett, is announced on page 7 and will be available shortly.

### My privilege

It's been a privilege to be part of the emerging alternative press here in Hawai'i, publishing alongside Pat Tummon's *Environment Hawai'i* and Laurie Carlson's *Honolulu Weekly*, both of which extend the range of information and perspectives available locally.

Indeed, I suspect that some of *Hawai'i Monitor's* regular readers may be disappointed by my decision to join the "mainstream" media. I will also miss the *Monitor*, but I am confident that the resources and backing of the Star-Bulletin will allow me to do a better job of investigating and reporting on political affairs.

Extensive discussions with the editors of the Honolulu Star-Bulletin have assured me that this exciting relationship is going to work well. I hope that you, the *Hawai'i Monitor's* readers and supporters, will agree.



Ian Y. Lind  
editor & publisher

## Mahalo!

Just in case this really is the last issue of the *Monitor*, a sincere mahalo and a few shameless plugs are in order for those who have gone out of their way to assist in its creation:

Attorney Clayton C. Ikei, who provided needed counsel and legal services, often on short notice;

Computer wiz Doug Worthington of Macintech, who performed multiple brain surgery on an aging Macintosh Plus and enabled it to continue performing desktop publishing miracles;

Chris Conybeare and everyone at KHET's *Dialog* for including the *Hawai'i Monitor* in its regular spectrum of commentary and opinion; KGMB's Bob Jones and Randy Ennis, who saw the potential of *Hawai'i Monitor Reports*;

Publishing colleagues Laurie Carlson and Pat Tummons, who have been consistently supportive; All the folks at PIP Printing in Kailua, who have done a great job on the finished product....

And, finally, special thanks to my partner in this and all else, Meda Chesney-Lind, who also recognized that this would be an important project as well as a bit of fun. □

### *Hawai'i Monitor*

Vol. 2 No. 11 August 1992

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Member, Investigative Reporters and Editors (IRE), Council on Governmental Ethics Laws (COGEL), Society of Professional Journalists, and the National Newsletter Network.

## City dumps state-fed workers from boards

### □ Administration ignores state law allowing service

University of Hawaii assistant athletic director Marilyn Moniz-Kahoohanohano seemed to be an ideal choice to serve on Honolulu's Board of Parks and Recreation.

She had already put in a term on the Committee on the Status of Women, and a shift to the parks board would allow the city to draw more directly on her personal and professional expertise.

Unfortunately, her appointment was one of the first casualties when Mayor Frank Fasi's administration moved earlier this year to begin dumping public employees, including University of Hawai'i professors and staff, from city boards and commissions. The action came after the administration "discovered" a long-ignored provision of the City Charter.

But the City's action apparently overlooked a law adopted by the Legislature in 1975 that authorized public employees to serve on boards and was specifically intended to override any county charter provisions to the contrary.

The current Charter Commission has recommended that the question be placed on the ballot this fall.

In the meantime, however, public employees continue to be dropped from city boards, apparently unnecessarily.

### "Appointments must conform"

According to a February 13, 1992 memo to all agency and department heads from Toraki Matsumoto, executive assistant to Managing Director Jeremy Harris, "no one holding an office or position with the City, State or Federal government can be appointed to Boards and Commission."

The memo, which was approved by Harris, asks department heads to check the members of their boards and commissions, and

## State abandons Campaign Spending secrecy

### □ A.G. calls gag rule "unenforceable"

The state Attorney General's office has admitted that a law barring public discussion of complaints filed with the Campaign Spending Commission is "unconstitutional and unenforceable under the First Amendment of the United States Constitution."

The admission came in response to a federal law suit against the Campaign Spending Commission filed on July 2, 1992 by attorney Clayton Ikei on behalf of *Hawai'i Monitor* editor Ian Lind.

The suit asks the federal court to block the commission from taking any action against Lind for publishing information about an earlier complaint made against the University of Hawai'i Professional Assembly PAC.

The April and June issues of *Hawai'i Monitor* described allegations that UHPA failed to fully disclose its campaign-related expenditures during the 1990 elections, including the costs of newspaper advertisements supporting the reelection of Governor John Waihee.

According to state law, all complaint proceedings before the Campaign Spending Commission,

"including the filing of the complaint, investigation, and hearing shall be confidential unless the person complained of requests an open hearing."

The law calls for the secrecy to continue unless the Commission makes a formal finding that "probable cause" of a violation exists.

However, the Commission's policy has been to handle complaints informally, with the result that very little information about past violations has ever been made public.

The attorney general's admission that the law is unconstitutional makes it almost certain that the pending ruling by federal judge Alan Kay will agree.

A similar confidentiality requirement for complaints made to the State Ethics Commission was struck down last year by another federal judge as the result of a suit brought by the American Civil Liberties Union.

Following that decision, the City Council quietly passed a measure that dropped the gag rule that had applied to the Honolulu Ethics Commission. □

directs that "any new appointments must conform to this provision."

As a result, Moniz-Kahoohanohano's name and others were dropped just before a scheduled City Council hearing on the appointments.

### Dual positions

The newly rediscovered policy is based on Section 13-119 of the City Charter, which prohibits the holding of "more than one public office or position," or the holding of a city position while holding any state or federal position.

It was this and similar provisions, however, that were the target of a 1975 amendment to a state law governing the appoint-

ment of public employees to city and state boards.

According to the House committee report on H.B. 606 (1975), the purpose of the bill was to clarify state law. "This bill makes it clear that, except where service on a board or commission would be inconsistent or incompatible with his regular duties, a public officer or employee may serve on any board or commission other than the civil service commission."

In an earlier opinion provided to the chairman of Honolulu's 1972 Charter Commission, the Attorney General found that the charter cannot supersede state law regarding board and commission appointments. □

## New Federal Election Commission rule bars use of state campaign funds

□ Could impact expected Waihee campaign for U.S. Senate in 1994

The Federal Election Commission recently adopted a new rule which prohibits the transfer of funds from a state or local campaign to a federal campaign account. The rule will go into effect for the 1994 election.

Such transfers have, in the past, provided a head start to elected state officials who decide to

run for Congress.

Although federal law bans direct corporate or union contributions to Congressional candidates, which are legal under state law, the FEC previously allowed the transfer of funds which were otherwise federally qualified. This meant that state incumbents could shift up to \$1,000 from individual donors and up to \$5,000 from fed-

erally qualified PACs into their federal campaign accounts.

For example, Neil Abercrombie was able to draw on substantial funds from his Honolulu City Council campaign account for his successful 1990 Congressional campaign.

His major primary opponent, State Senator Norman Mizuguchi, made similar use of his legislative campaign coffers, just as Honolulu City Council member Leigh-Wai Doo did in 1988.

Under the new rule, Governor John Waihee, who finished his 1990 re-election campaign with a substantial cash balance, will not be able to use any of those funds for federal campaign purposes.

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### *City Council campaigns go for the green* from page 1

hit Kim's campaign for taxes going back to 1985. The IRS collected a dozen payments adding up to a total of \$16,382.66 while the state took nearly \$2,000 more. In addition, Kim paid \$700 to the accountants who helped straighten out the tax situation.

Political committees do not pay taxes on contributions received but are taxed on other income earned, such as interest earned by large campaign accounts.

Kim's campaign printed and mailed two community bulletins to constituents during the period, and paid the Hawaii Prince Hotel \$22,500 for her \$100 a person fundraiser held in February.

Even after all of these expenditures, Kim's campaign ended with a surplus in her account of \$220,691 and the next election still two years away.

#### **Mansho: A substantial budget**

Rene Mansho, the former teacher who represents central O'ahu and the North Shore, raised over \$88,000, spent nearly \$42,000 and finished the period with a cash balance of \$119,796 in her campaign account.

Mansho received \$2,000 contributions from M&E Pacific, D&C Construction, Gray Hong Bills & Associates, Glenn Kimura and Kimura International, and Walter Pickard.

Contributors of \$1,000 or more included Amfac/JMB, Ronald N.S.

Ho & Associates, PBR Hawaii, Belt Collins & Associates, Architects Hawaii, Kendall Hee and William Hee,

Three officers of Oahu Construction—Alvin Kobayashi, Kenneth Iboshi, Rolland Badua—each contributed \$1,000 to Mansho's campaign, while Campbell Estate trustees McVay, Cassidy and Pratt each gave \$500.

Similarly, three Gentry executives—Norman Dyer, Tosh Hosoda and Harvey Migdal—put \$750 each into Mansho's campaign fund.

#### **Donations top expense list**

Mansho's campaign spent nearly \$42,000 during the period, including \$7,635 in donations to community groups. The Leeward YMCA and the Mililani YMCA topped the list, receiving \$1,000 each. Four groups received \$500, while most got donations of \$25-100.

Other expenses included \$2,242 in cellular telephone charges and \$1052 in membership fees in organizations ranging from the KOHO Fan Club (which cost \$3) to the Organization of Women Leaders (the most expensive at \$250).

Mansho's campaign also had to refund more than \$8,600 to contributors who exceeded the campaign spending limit or otherwise failed to comply with state law. Details appear on page 5. □

#### **Loans subject to new controls**

The FEC also has agreed on new regulations governing loans to candidates and political committees.

Under federal law, loans are subject to the same limits as other campaign contributions unless they are made by lending institutions "in the ordinary course of business" and are "made on a basis which assures repayment."

The new regulations clarify what will qualify as "a basis which assures repayment." They provide that two sources of repayment will be considered to have met the standard. First, a candidate can pledge traditional collateral or, alternately, may pledge other sources of repayment, including anticipated future campaign income.

Just as is the case with other secured loans, candidates will be required to provide collateral or sources of repayment that cover the amount of the loan plus a margin of safety. If a bank normally requires such a safety margin but drops that requirement in making a loan to a political candidate, this may be taken as an indication that the loan is not proper. □

Memo of the month

Mansho's campaign forfeits anonymous contributions

In an unusual action earlier this year, Honolulu City Council member Rene Mansho's campaign committee forfeited \$1,200 to the Hawaii Election Campaign Fund. Mansho originally received the funds in two "anonymous" checks which had been received and deposited last year. State law prohibits the making, accepting or depositing of an anonymous contribution.

Mansho also reported refunding an additional \$7,025 to donors who exceeded the contribution limit set by law. Those receiving refunds were Leonard K.P. Leong (\$2,375), Oahu Construction (\$1,750), Bedford Properties (\$1,500), C.W. Associates (\$800), PBR Hawaii (\$375), KOP Hawaii and Belt Collins & Associates (\$250), and Ronald N.S. Ho & Associates (\$125).

RENE

**MANSHO**

for CITY COUNCIL

94-428 Kahulialii St.  
Mililani, HI 96789  
Telephone 623-7160

GEORGE STIBBARD, TREASURER

RECEIVED

January 30, 1992

Campaign Spending Commission  
335 Merchant Street #244B  
Honolulu, Hawaii 96813

Gentlemen:

SUBJECT: REFUND OF CAMPAIGN DONATIONS

As George Stibbard, my Treasurer last year, explained to you, we accepted two checks (each in the amount of \$600.00) and deposited them into my campaign account. However, both of these checks had no information printed on them by which we could identify the source of the donation.

Therefore, please accept the enclosed check for \$1,200.00 in repayment of the deposit that was made last year.

Should you have any questions, please don't hesitate in calling me.

Sincerely,

*Rene Mansho*

RENE MANSHO  
Councilmember

Enclosure: \$1,200 check

	<b>RENE MANSHO</b> 575-54-2679 94-428 KAHULIALII ST. 623-7160 MILILANI, HI 96789	785
PAY TO THE ORDER OF	Campaign Spending Commission	\$ 1,200.00
	One thousand two hundred and no/100	DOLLARS
FOR	Payable Through: Bank of Hawaii, Honolulu, HI 96846 <b>KAHUKU FEDERAL CREDIT UNION</b> 56-576 KAMEHAMEHA HIGHWAY KAHUKU, HAWAII 96731	<i>Rene Mansho</i> <i>Stephen K. Golden</i>
101213010281 7031003827 785		58-102/1213

# Watching the "Watchdogs"

by Tom Brislin

Department of Journalism, University of Hawai'i at Manoa

The watcher of the watchdog fell asleep. Worse, it lay down—all comfy and cozy—with those who are supposed to be watched. When that happens the snarls we expect are likely to be replaced with friendly lapping.

We're talking about the press here—society's accepted watchdog of government, insuring that public servants don't act for private gain.

Who are the watchers of the watchdog press? The Constitution's First Amendment leaves no room for outside control, so the press must be self-policing. The Society of Professional Journalists has assumed the watchdog watcher role.

The Hawaii chapter, however, deserves a slap on the muzzle with a rolled-up copy of its own Code of Ethics for its recent "roast" of Governor John Waihee.

Sure, it was for an admirable cause—raising money to provide internships for journalism students, including several from the University of Hawaii. And sure, the governor was a nice guy to lend his presence. And sure, the road to nobody's first choice of a permanent retirement home is paved with good intentions.

Journalists constantly attack the "ends-justify-the-means" mentality that leads to government excesses (trade arms for hostages, anyone?). Why is it so hard to recognize among ourselves?

The gubernatorial roast put journalists in too chummy a role with the main man they're sworn to stalk with informed skepticism. It violated that necessary distance between the observer and observed essential for objective, unbiased coverage.

It invites the "isn't he a great guy for putting up with the ribbing and helping us out" kind of thinking that could lead a journalist to pull a punch when a tough story needs to be done. Or just as bad—it leads to a public perception that this "nudge-nudge-wink-wink" relationship between press and government is a part of the everyday world of journalism. We are perceived as part of the Establishment we claim to be protecting the public from.

The SPJ's own code stresses the need to avoid "conflict of interest, real or apparent," and to "be free of obligation to any interest other than the public's right to know the truth...Special treatment or privileges can compromise the integrity of journalists."

Let's face it, the governor granted the journalist organization a "special treatment or privilege" by agreeing to be the star of its fundraiser. And only the most politically unsavvy would speculate that he did so without the idea of scoring some points with the journalism community.

One of those points to ponder is how he slipped so easily out of the "First Class" firestorm that blistered so many legislators. No one held his feet to the fire for justifying first class travel for two of his top appointees (one of whom was an invited "roaster") just because they are tall. Do college basketball teams all travel first class? Are flights to the South Pacific all first class because folks there tend to be tall? Are the airlines guilty of discrimination because they provide no economy seating for those over 6 feet? of course not.

The governor also sauntered past a barkless watchdog when he said he's arranged family members' travel using the frequent flier

mileage he's accumulated on official (read "paid by us") travel. Even the Legislature has recognized those mileage credits are a benefit that belong to the public that paid for the ticket and should be used only for public business—not private travel.

The SPJ further shamed itself approaching this event in the style of the best high-price-per-plate

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## *The Society of Professional Journalists deserves a slap on the muzzle with a rolled up copy of its own Code of Ethics for its recent "roast" of Governor John Waihee.*

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political fundraiser, soliciting money from the agencies and corporations that deserve the harshest of journalistic spotlights.

The SPJ's program, in what should be an embarrassing and alarming lapse of judgement, even "nudge-nudge-wink-winked" the governor over taking political notice of who *didn't* participate.

There is a hesitancy for the professional to publicly criticize itself, or even admit that criticism is due. To overcome that, the Society of Professional Journalists' Hawaii Chapter recently took on the role of "ethics police," pointing out what it considered egregious errors of professionalism. It was quick to note the inherent conflicts and potential favoritism of an Advertiser editor emeritus serving as a press contact for details on the heated departure of the former East-West Center president. And it mulled whether it should tsk-tsk the local media for accepting free rides from the military and resulting uncritical "home town" coverage of the Gulf War--what one member referred to as "Yellow Ribbon Journalism."

It's a good role for the Society of

*continued next page*

**Follow-up**

The complaint against the University of Hawaii Professional Assembly PAC is close to resolution following a partial agreement between UHPA and the complainant, *Hawai'i Monitor* editor Ian Lind.

In this agreement, UHPA acknowledged that it had violated the campaign spending law by failing to report the costs of certain ads during the 1990 campaign, but both parties agreed that the violations were "unintentional" and thus not subject to criminal sanctions.

A related complaint that the Waihee ads constituted an illegal contribution was dropped, while a final matter is pending a decision by the hearings officer.

**Watchdogs or lapdogs?**

*from page 6*

Professional Journalists to take. The hesitancy to criticize even extends where it shouldn't--to the ivory towers of academic journalism. After all, these are the folks we hope will hire our students.

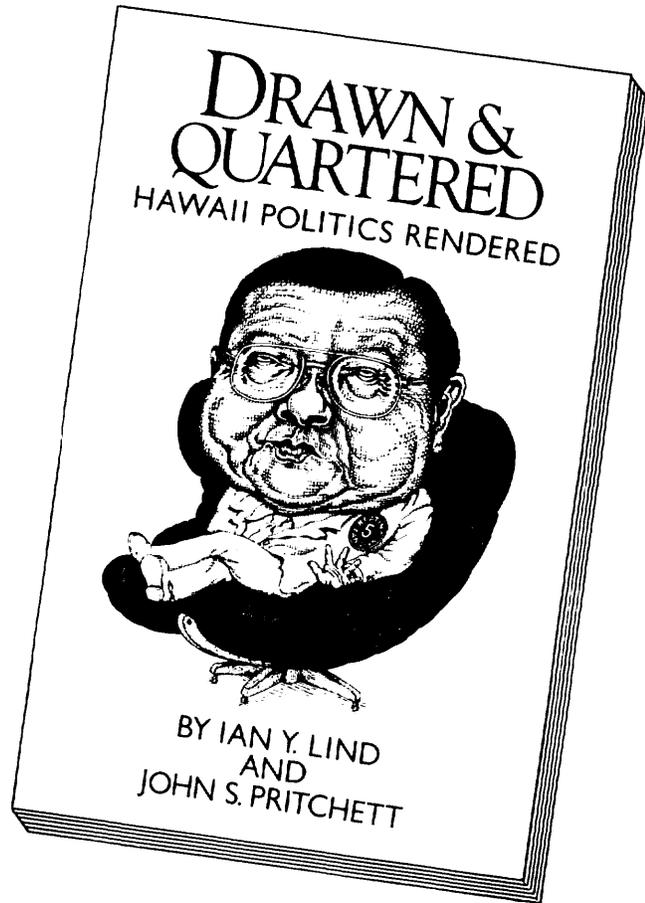
But we--academics and professionals alike--have a duty to serve as effective models of the guiding principles of journalism: truth, independence from outside influence, and fairness.

**W**hat is the message sent to young interns for whom this event was designed to raise funds: That you can profess you are doing your duty to protect the public while playing pal to the powerful?

So the SPJ should feel no disloyalty to the cause when it's on the receiving end of a rebuke. Indeed, when the criticism comes from a cheerleader of journalism, there's a likely lesson to be learned.

When the watcher falls asleep, we run the risk of watching the watchdog become a lapdog. □

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## Monitoring In brief...

**W**here are you, John Henry? Campaign Spending Commission records show that while the campaign of Honolulu City Council member John Henry Felix is officially registered at a downtown Honolulu address, mail sent to that address is returned as "undeliverable" by the post office.

Carefully preserved in Felix's file are a series of official notices mailed by Commission staff but rejected by the post office. A January 1991 reject was stamped "Forwarding time expired," while a mid-1991 follow-up was returned bearing the note "Not deliverable as addressed." A July 1992 attempt was again rebuffed, this time with the notice "Moved, not forwardable."

Despite the continued returns, the Commission keeps sending official correspondence to the obviously defunct address, while Felix continues to stubbornly report that his campaign organization is still there.



**B**anking on it? In an updated financial disclosure statement filed with the State Ethics Commission earlier this year, Attorney General Warren Price reported a significant new interest in First Hawaiian Bank. According to the disclosure statement, Price's wife, attorney and State Land Board member Sharon Himeno, recently acquired 12,500 shares of First Hawaiian Bank stock. At the stock's current value, this nice little stake is worth over \$320,000.

The disclosure statement give no indication how the shares were acquired or the price paid at that time.



**B**en Cayetano seems to have pushed his 1994 campaign into second gear. After remaining relatively inactive during 1991, Cayetano raised over a

quarter of a million dollars during the first half of 1992.

Among those making the maximum contribution of \$2,000 were Albert C. Kobayashi, Inc., Barnard Bays, Michael Fergus, First Hawaiian Bank, Haseko (Hawaii), HGEA, Hawaii Operating Engineers, Kendall Hee, ILWU, Robert & Margaret Itagaki, Kobayashi Sugita & Goda, Obayashi Design Group, Charles Ota, and the Ralph M. Parsons Company.

Cayetano paid Omnitrak just over \$2,000 to conduct focus groups, paid Star Seigle McCombs \$5,000 for "consulting/materials," and spent over \$4,300 to open a hospitality suite at the Sheraton Waikiki during the state Democratic Party convention.



**W**omen and politics is the focus of *Majority Rules!*, a newsletter which recently appeared on the national scene.

The monthly newsletter is edited by Myron Struck, who until recently was editor of Campaigns & Elections Magazine. Struck has written for the *Washington Post*, served as managing editor of *Roll Call*, and was an editor and reporter for *States News Service*.

The newsletter says that it is aimed at "women who want to run—or already hold—public office, or anyone interesting in helping women serve as America's elected leaders." [*Majority Rules!* The Jenkins Hill Publishing Co., 8416 W. Boulevard Drive, Alexandria, VA 22308. Phone 703-799-1324.]

**C**ampaign ethics guidelines have again been circulated to all state employees by the State Ethics Commission. The commission says that in general, the ethics law prohibits the use of state time, equipment and supplies for campaign purposes. It is improper for any state employee to sell fundraiser tickets to subordinates or businesses that they supervise. For information, call the Commission at 587-0460.

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